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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,695	01/10/2002	Rotem Cooper	010110	7705
23696	7590	10/17/2006	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/043,695	COOPER, ROTEM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khawar Iqbal	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazzara (20030087642).

3. Regarding claim 1 Mazzara teaches in a mobile station including a preferred roaming list, a system acquisition procedure comprising the steps of (figs.1-3):

maintaining a list of unusable (non-preferred system) wireless communications systems, each entry of a wireless communication system in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion for not using the wireless communication system (para. # 0037, 0052, 0055);

selecting a wireless communications system from the preferred roaming list of wireless communication system in accordance with a predetermined system acquisition sequence, each entry of a wireless communication system in the preferred roaming list including system identifier (para. # 0040-0041);

determining whether the selected wireless communication system from the preferred roaming list is a useable wireless communication system or an unusable wireless communication system (para. # 0040-0041, 0044 and 0049-0052);

attempting to acquire and register with the selected wireless communications system when the selected wireless communication system is determined to be a useable wireless communication system (para. # 0049-0052);

repeating the step of selecting when the selected communication system is determined to be an unusable wireless communication system (para. # 0054 see above);

wherein the selected wireless communications system is determined to be an unusable wireless communication system when a system identifier for the selected wireless communication matches a system identifier in the list of unusable wireless communications systems and when avoidance criterion corresponding to the system identifier in the list of unusable wireless communication system is satisfied (para. # 0040-0041, 0044 and 0049-0052, 0054-56).

Regarding claim 12 Mazzara teaches in a mobile station, a method for marking wireless communications systems as unusable wireless communications systems comprising the steps of (figs. 1-3):

maintaining a list of unusable wireless communications systems, each entry of a wireless communications systems in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion for not using the wireless communication system (para. # 0037, 0052, 0055); detecting a

communications failure associated with a currently selected wireless communications system (para. # 0037, 0052, 0055); and

adding a record to the stored list of unusable wireless communications systems, the added record including an identifier of the currently selected wireless communications system and corresponding avoidance criterion based on the detected communications failure, wherein the currently selected wireless communications system is unusable while the corresponding avoidance criterion is satisfied (para. # 0054-56 see above)

Regarding claim 17 Mazzara teaches a mobile station comprising (figs. 1-3):  
a memory storing a preferred roaming list of wireless communications systems, the preferred roaming list including a first plurality of system identifiers and corresponding acquisition parameters for corresponding unusable wireless communications systems (para. # 0044-45 see above); and

processing circuitry adapted to create and maintain a list of unusable wireless communications systems, the list of unusable wireless communications systems being stored in the memory and including a second plurality of system identifiers and corresponding avoidance criterion for not using corresponding unusable wireless communications systems (para. # 0052-56 see above),

wherein a selected wireless communications system from the preferred roaming list is determined to be an unusable wireless communications systems when a system identifier for the selected wireless communication system matches a system identifier in the list of unusable systems and the avoidance criterion corresponding the system

identifier in the list of unusable wireless communication system is satisfied (para. # 0052-56 see above).

Regarding claim 22 Mazzara teaches a processor readable media for storing instructions operable in a wireless device to:

maintaining a list of unusable (non-preferred system) wireless communications systems, each entry of a wireless communication system in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion for not using the wireless communication system (para. # 0037, 0052, 0055);

selecting a wireless communications system from the preferred roaming list of wireless communication system (para. # 0040-0041);

determining whether the selected wireless communication system from the preferred roaming list is a useable wireless communication system or an unusable wireless communication system, wherein the selected wireless communication system is determined to be an unusable wireless communication system when the selected wireless communication system is included in the list of unusable wireless communication systems and when the corresponding avoidance criterion is satisfied (para. # 0040-0041, 0044 and 0049-0056, see above);

attempting to acquire and register with the selected wireless communications system when the selected wireless communication system is determined to be a useable wireless communication system (para. # 0049-0052, see above).

Regarding claim 2 Mazzara teaches wherein each system identifier identifies at least one wireless communications system (para. # 0044-45 see above).

Regarding claim 3 Mazzara teaches wherein each wireless system identifier includes a frequency (para. # 0044-0045 see above).

Regarding claim 4 Mazzara teaches wherein each wireless system identifier includes a SID/NID pair that uniquely identifies a wireless communications system (para. # 0044-0045 see above).

Regarding claims 5,23 Mazzara teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (para. # 0040-0045, 0054-0056, see above).

Regarding claims 6,24 Mazzara teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (para. # 0038,0039,0067 see above).

Regarding claim 7 Mazzara teaches wherein the avoidance criterion is satisfied if the stored avoidance time is greater than the current time (para. # 0038,0039,0067 see above).

Regarding claim 8 Mazzara teaches maintaining a list of detectable wireless communications failures, each detectable wireless communications failure having a corresponding avoidance duration; locating the detected system failure in the list of

wireless communications failures; and using the corresponding avoidance duration in the step of calculating (para. # 0038,0039,0055,0067 see above).

Regarding claim 9 Mazzara teaches wherein the step of detecting includes the step of detecting failed attempts to acquire and register with the selected wireless communications system (para. # 0038,0039,0055,0067 see above).

Regarding claim 10 Mazzara teaches wherein the steps of selecting and attempting are repeated until the mobile device successfully acquires and registers with the selected wireless communication (para. # 0038,0039,0055-0056,0067 see above).

Regarding claim 11 Mazzara teaches wherein the wireless communications systems are selected from the preferred systems list in a predetermined order of desirability (para. # 0038,0039,0055-0056,0067 see above).

Regarding claim 13 Mazzara teaches wherein each system identifier identifies at least one wireless communications system (para. # 0038,0039,0055-0056,0067 see above).

Regarding claim 14 Mazzara teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 15 Mazzara teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed

wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 16 Mazzara teaches wherein the avoidance criterion is satisfied if the stored avoidance time is greater than the current time (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 18 Mazzara teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 19 Mazzara teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 20 Mazzara teaches maintaining a list of detectable wireless communications failures, each detectable wireless communications failure having a corresponding avoidance duration; locating the detected system failure in the list of wireless communications failures; and using the corresponding avoidance duration in the step of calculating (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 21 Mazzara teaches wherein processing circuitry is further adapted to delete an entry from the list of unusable communications system when the corresponding avoidance time is than the current time (para. # 0038,0039,0052-0056,0067 see above).

***Response to Arguments***

4. Applicant's arguments filed 09-05-06 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicant's arguments but firmly believes that the cited references reasonably and properly meet the claimed limitations. In regard to applicant's arguments against Mazzara, Mazzara teaches providing a wireless service connection for a mobile including prioritizing a portion of a system access list based on a channel identifier in a first band and selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion, wherein the connection notification comprises a rejection of a call origination and wherein the connection notification comprises a rejection of an attempt to register with a carrier and prioritizing a portion of a system access list based on a channel identifier in a band. A secondary channel that is not in the system access list portion is selected in response to a failed connection notification. The channel notification consists of a rejection of call origination and rejection attempt to register with a carrier. The secondary channel is employed automatically depending upon the geographic location when there are no channels available in the primary band and avoids the unnecessary premium charges (para. # 0010, 0042, 0047-0052,0055-0058, also see figs, 2 and 3).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Khawar Iqbal*

  
ERIKA A. GARY  
PRIMARY EXAMINER